

REMARKS

In accordance with the foregoing, claims 14, 16-17 and 25 are amended and new claims 26-28 are presented. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-28 are pending and under consideration. Reconsideration is respectfully requested.

Claim Amendments

Claim 14 is amended herein to recite a device "wherein the detecting the change of status further comprises: detecting a disconnection of one of the each transmission means, and detecting whether a user is using one of the information terminals." Claims 16 and 17 are similarly amended.

Dependent claim 25 is amended to recite a system "wherein the change of status that is detected and reported is a change from a connected status with the Internet to a disconnected status or change in a use of an information terminal by a user."

Support for the amendments is found for example in for example on page 16, lines 19-24 and page 24, line 10 - page 25, line 17 of the specification. No new matter is being presented, and approval and entry are respectfully requested.

Item 2: Rejections Of Claims 1-13, 15, 18, and 20-24 under 35 U.S.C. §103(a)

In item 2 of the Office Action, the Examiner rejects claims 1-13, 15, 18, and 20-24 under 35 U.S.C. §103(a) as being unpatentable over Namekawa (U.S.P. 6,237,027) in view of Trompower et al. (U.S.P. 6,128,512). (Action at pages 2-19). The rejections are traversed.

Independent claim 1 recites a system dynamically determining "a transmission means and transmission mode for the received text messages according to the . . . change of status (emphasis added)." Independent claims 2, 15, 21 and 23 have a similar recitation.

Independent claim 12 recites a system "dynamically determining a transmission mode for received text messages according to the obtained operational status and change of status (emphasis added)."

Independent claim 18 recites a method determining a transmission mode for the received text messages according to a "change of status of the information terminal; and transmitting and receiving text messages . . . according to the dynamically determined transmission mode (emphasis added)." Independent claim 20 has a similar recitation.

Applicants submit that features recited by each of the independent claims are not taught by the cited art even in an *arguendo* combination.

In particular, Applicants submit that even an *arguendo* combination of Namekawa in view of Trompower does not teach a dynamic determining a "message destination." Further, even an *arguendo* combination of Namekawa in view of Trompower does not teach dynamically determining a "transmission means" and transmission mode for the received text messages either (1) according to the stored operational status or (2) according to a change of status, as recited by claims 1-13, 15, 18, and 20-24.

The Action concedes that:

Namekawa fails to teach the limitation further including dynamically determining a transmission means.

(Action at page 4, lines 8-9).

However, the Examiner asserts:

Trompower teaches the use of dynamically modifying data transmission parameters . . . It would have been obvious . . . to modify Namekawa in view of Trompower to dynamically determine a transmission means. One would be motivated to do so because it optimizes overall system performance.

(Action at page 4, lines 12-17).

Applicants submit that the Examiner's assertion regarding Trompower and the proposed modification of Namekawa is incorrect.

By contrast, Trompower teaches a method by which a connection of wireless communication is controlled (channel control of wireless transmission, transmission parameter control) while performing an adjustment such as connecting to an optimal wireless channel, if any, or reducing speed if there is no optimal channel when communicating in a wireless system. This wireless system only performs adjustment between a particular mobile terminal and a base station. Further, Trompower teaches that:

[I]t would be desirable to have a cellular communication system wherein PN code parameter, modulation complexity and other transmitting and receiving parameters could be dynamically modified for each transmission based on distance between the transmitter and receiver and noise conditions such that an improved data transmission rate for that transmission could be achieved thereby enhancing system performance.

(see, for example, col. 4, lines 57-64).

Trompower further teaches that the transmission parameters modified are such that:

It will be apparent that the system 200, by providing the base stations 210, 215 and the mobile terminals 230 with the ability to dynamically modify the PN code length, chipping rate, and/or modulation complexity effectively

provides a base station 210, 215 with an adjustable cell size as indicated in FIG. 2.

(see, col. 12, lines 12-18).

That is, Trompower defines, and limits a teaching of, the "transmission parameters" that are dynamically modified to parameters such as chipping rate and that such modification is limited to a teaching of a modification based on distance between the transmitter and receiver and noise conditions. Further, Trompower teaches a modification is performed while performing an adjustment and the wireless system only performs such adjustment between a particular mobile terminal and a base station.

Accordingly, Applicants submit that even an *arguendo* combination of Namekawa in view of Trompower does not teach a dynamic determining a "message destination, " and does not teach dynamically determining a "transmission means" and transmission mode for the received text messages according to the stored operational status, and does not teach dynamically determining a "transmission means" and transmission mode for the received text messages or according to a change of status, as recited.

Summary

Since features recited by each of independent claims 1-2, 12, 15, 18, and 20-21 are not taught by even an *arguendo* combination of the art relied on by the Examiner, and *prima facie* obviousness is not established, the rejection should be withdrawn and claims 1-13, 15, 18, and 20-24 allowed.

Items 3-4: Rejections Of Claims 14, 16-17 and 25 under 35 U.S.C. §103(a)

In item 3 of the Office Action, the Examiner rejects claims 14 and 16-17 under 35 U.S.C. §103(a) as being unpatentable over Namekawa further in view of Ishikura et al. (U.S.P. 6, 052, 565). (Action at pages 20-23). In item 4 of the Office Action, the Examiner rejects claim 25 under 35 U.S.C. §103(a) as being unpatentable over Namekawa and Trompower further in view of Ishikura. (Action at pages 23-24). The rejections are traversed.

Claim 14 recites a device "wherein the detecting the change of status further comprises: detecting a disconnection of one of the each transmission means, and detecting whether a user is using one of the information terminals." Claims 16 and 17 have similar recitations.

Dependent claim 25 recites a system "wherein the change of status that is detected and reported is a change from a connected status with the Internet to a disconnected status or change in a use of an information terminal by a user."

Applicants submit that features recited by claims 14, 16-17, and 25 are not taught by

even an *arguendo* combination of the cited art.

The Action concedes that Namekawa does not teach "detecting and reporting a change of status of a connection." (Action at page 20, lines 20-21).

Ishikura is directed to a mobile apparatus such that a status of each device is exchanged between a personal computer and a cellular phone. However, Applicants point out that Ishikura teaches (col. 15, lines 60-66) that a status change report is directed to merely reporting a "call disconnection."

That is, even an *arguendo* combination of Namekawa, Ishikura and Trompower does not teach detecting a disconnection of one of the each transmission means and detecting whether a user is using one of the information terminals, as recited.

Further, an *arguendo* combination of Namekawa and Ishikura and Trompower does not teach the detecting of a connected status with the Internet, as recited by claim 25.

Summary

Since features recited by claims 14, 16-17 and 25 are not taught by even an *arguendo* combination of the art relied on by the Examiner, and *prima facie* obviousness is not established, the rejection should be withdrawn and claims 14, 16-17 and 25 allowed.

Item 5: Rejection of Claim 19 under 35 U.S.C. §102(e)

In item 5 of the Office Action, claim 19 is rejected under 35 U.S.C. §102(e) as being anticipated by Namekawa. The rejection is traversed.

Claim 19 recites a method "detecting and reporting to the servers an operational status of the each transmission means including at least a change of status of a connection with the communications lines."

Applicants submit that features recited by claim 19 are not taught by Namekawa. Further, Applicants respectfully point out that the Examiner concedes the same in the Action on page 20, lines 20-21 by indicating that:

Namekawa fails to teach the limitation further including the detecting and reporting a change of status of a connection.

Summary

Since features recited by claim 19 are not taught by the cited art, the rejection should be withdrawn and claim 19 allowed.

New Claims

New claims 26-28 recite features of the present invention in an alternative fashion. New

claim 26 recites a text messaging device "wherein the detecting a disconnection of one of the each transmission means further comprises detecting a disconnection of the one of the each transmission means from the Internet."

New claim 27 recites a computer-readable recording medium "wherein the detecting whether a user is using one of the information terminals further comprises detecting an activation of a screen saver." New claim 28 recites a computer-readable recording medium "wherein the change of status further comprises an activation or completion of a network application."

Support for the new claims is found for example on page 16, lines 19-24 and page 27, line 23 - page 28, line 18 of the specification. No new matter is being presented, and approval and entry are respectfully requested. These, and other, features of claims 26-28 patentably distinguish over the cited art, and they are submitted to be allowable for the recitations therein.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

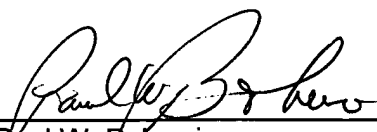
If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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